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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,967	08/21/2003	David A. Matthews	MS#304019.01 (5437)	7579

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EXAMINER	
TRAN, TUYETLIEN T	

ART UNIT	PAPER NUMBER
2179	

NOTIFICATION DATE	DELIVERY MODE
07/06/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

Office Action Summary	Application No.	Applicant(s)	
	10/644,967	MATTHEWS ET AL.	
	Examiner	Art Unit	
	TUYETLIEN T. TRAN	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 April 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-7,9-26,28-31 and 33-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-7,9-26,28-31 and 33-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the following communication: The Amendment/Request for Reconsideration filed on 04/22/09. **This action is made final**.

2. Claims 1, 4-7, 9-26, 28-31, 33-36 are pending in the case. Claims 1, 14, 25 and 31 are independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 4-7, 9-26, 28-31, 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cadiz et al. (Pub. No. US 2002/0186257 A1; hereinafter Cadiz) in view of Jobs et al (Pub No. US 2005/0149879 A1; hereinafter Jobs).

As to claim 1, Cadiz teaches:

A method in a computing system for providing a user interaction scheme (e.g., see [0095]) comprising:

defining a sidebar of a user interface (e.g., [0068], [0107], [0167]);

requesting an application appear in a sidebar (e.g., [0070], [0072], [0178]);

revealing a tile in the sidebar to present the application in response to the request (e.g., Figs. 4A, 5, 6A, 6B and [0178]), the sidebar configured to display a plurality of tiles corresponding to a plurality of applications (e.g., Figs. 4A, 5, 6A, 6B and [0070], [0072], [0178]) wherein revealing the tile includes displaying a sub-set of live-data provided by the application (e.g., Figs. 4A, 5, 6A, 6B and [0069], [0070], [0072], [0178]) and the sub-set of one interactive application features provided by the application in the tile (e.g., Figs. 4A, 5, 6A, 6B and [0068]-[0072], [0178]), wherein the sub-set of interactive applications features do not include features related to sizing or re-sizing of the tile, wherein the sub-set of interactive application features are selected by the application and the sub-set of interactive application features are determined to be useful by the application when minimized (e.g., Figs. 4A, 5, 6A, 6B and [0068]-[0072], [0178]); and

persisting the revealed tile in the sidebar when the user logs off the computing system wherein the revealed tile remains in the sidebar upon the next login of the user (e.g., see Fig. 4A, [0101], [0070], [0095], [0114], [0165]).

Cadiz does not expressly disclose that minimizing the application upon receiving a minimize command and the revealing a tile in the sidebar to present the minimized application is in response to the minimized command.

Jobs teaches a sidebar having a plurality of tiles representing minimized applications (e.g., Fig. 4 and [0029]). Jobs teaches defining a sidebar of a user interface such that when applications are minimized, a tile corresponding to the minimized application will be revealed (e.g., note the docking area having a plurality of tiles corresponding to a plurality of applications; further note that tiles represented for application windows 3, 5 are not included in the docking

area because application windows 3, 5 are not in minimized states, see Fig. 7). Jobs teaches minimizing the application is upon received a minimize command (e.g., see [0029], [0030] and Fig. 4). Jobs teaches revealing a tile in the sidebar to present the minimized application is in response to the minimized command (e.g., Fig. 4; wherein the docking area having a plurality of tiles corresponding to a plurality of applications; and wherein tiles represented for application windows 3, 5 are not included in the docking area because application windows 3, 5 are not in minimized states, see Fig. 7).

Accordingly, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have modified the sidebar of Cadiz to include the feature of minimize command as taught by Jobs to achieve a sidebar that can host minimized application in response to the minimized command and the sidebar configuration. One would have been motivated to make such a combination is to make it easier for the user to include or add a tile in the sidebar.

As to claim 14, this claim is rejected on grounds corresponding to the argument given above for rejected claim 1 and is similarly rejected including the following:

Jobs teaches user command to minimized the application (e.g., see [0029], [0030] and Fig. 4). Therefore, combining Cadiz and Jobs would meet the claimed limitations for the same reasons as set forth in the foregoing rejection of claim 1.

As to claim 25, Cadiz teaches:

A system for providing user access to a variety of informational items (e.g., Fig. 1 and [0178]), the system comprising:

a processor associated with a computer for generating a sidebar of a user interface (e.g., Fig. 1 and [0095]), said sidebar being configured for displaying a plurality of tiles (e.g., Fig. 7A and [0095]), wherein each of the tiles represents an application (e.g., Figs. 4A, 5, 6A, 6B and [0178]) and includes a sub-set of live-data provided by the application (e.g., Figs. 4A, 5, 6A, 6B and [0069], [0070], [0072], [0178]) and a sub-set of interactive application features provided by the application (e.g., Figs. 4A, 5, 6A, 6B and [0068]-[0072], [0178]);

an insertion module for inserting at least one of the tiles into the sidebar (e.g., [0083], [0093], [0107]) wherein the sub-set of interactive features of the application represented by the inserted tile are displayed therein when the application is represented by the inserted tile in the sidebar (e.g., Figs. 4A, 5, 6A, 6B, 7A and [0068]-[0072], [0178]), wherein the sub-set of interactive application features are selected by the application and the sub-set of interactive application features are determined to be useful by the application when included in the sidebar, and wherein the sub-set of interactive applications features do not include features related to sizing or re-sizing of the inserted tile (e.g., Figs. 4A, 5, 6A, 6B, 7A and [0068]-[0072], [0178]), and

an available features selection module for selecting the sub-set of interactive application features for display in and accessibility through the inserted tile (e.g., Figs. 4A, 5, 6A, 6B, 7A and [0068]-[0072], [0178]); and

user interface tools for allowing a user to command placement of a selected application into the sidebar (e.g., [0017], [0082]), wherein the tile corresponding to the selected application persists in the sidebar when the user logs off the computing system wherein the revealed tile remains in the sidebar upon the next login of the user (e.g., see Fig. 4A, [0101], [0070], [0095], [0114], [0165]).

Cadiz does not expressly disclose that each of the tiles represents a minimizing application. However, Jobs discloses this limitation as addressed in the foregoing rejection of claim 1. Therefore, combining Cadiz and Jobs would meet the claimed limitations for the same reasons as set forth in claim 1.

In regard to claim 31, claim 31 reflects the system comprising a processor for performing the steps as claimed in claim 25, and is rejected along the same rationale including the following:

Cadiz teaches tiles in the sidebar can be used to represent email application (e.g., [0072], [0079], [0178]) including an available feature selection module for allowing an email application to provide one or more selected interactive features of the email application, wherein the selected interactive application features includes access to new and unread email messages received by the email application while minimized (e.g., [0071], [0072], [0079], [0178]). Therefore, combining Cadiz and Jobs would meet the claimed limitations for the same reasons as set forth in claim 1.

As to claims 4 and 15, Cadiz teaches providing, in the tile, access to additional features not available in the application (e.g., see Fig. 7A, [0071], [0099]).

As to claims 5 and 17, Jobs teaches further comprising hiding an application window upon receiving the minimize command (e.g., see Fig. 1 and [0006]). Thus, combining Cadiz and Jobs would meet the claimed limitations for the same reasons as set forth in claim 1.

As to claims 6, 7 and 18, 19, 29, 35, Jobs further suggests to the skilled artisan that the docking area which manages the positions of the minimized representations (e.g., see [0032]-[0034]; note that the docking area displays tiles corresponding to minimized applications). As

well-known in the art that the taskbar is used to identify windows which are active including both those which are maximized and minimized (e.g., see evidently support in Ording et al., Pub. No US 20070288860, [0016]). Jobs does not expressly teach hiding a taskbar application button or an alt-tab entry associated with the application upon receiving the minimize command. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement this limitation in view of Jobs because the user can now access to the minimized application using docking area; therefore, hiding the taskbar application button associated with the minimized application would save memory and thus speed up processing time. Thus, combining Cadiz and Jobs would meet the claimed limitations for the same reasons as set forth in claim 1.

As to claims 10, 21, 26 and 33, Jobs teaches comprising providing the user with a restore button accessible through the tile to allow the user to maximize the application (e.g., see [0027]).

As to claims 11, 22, Cadiz teaches providing an available features selection module for allowing selection of the one or more interactive features for display in and accessibility through the tile (e.g., Fig. 7A).

As to claims 12 and 23, Cadiz teaches allowing a user to determine a size of the tile (e.g., [0091]-[0093]).

In regard to claim 13, claim 13 reflects a computer storage medium for performing the steps as claimed in claim 1, and is rejected along the same rationale.

As to claim 16, Cadiz teaches inserting a tile in the sidebar for providing access to the application (e.g., [0083], [0093], [0107]).

As to claims 28 and 34, Cadiz teaches special controls for allowing removal of the application from the sidebar (e.g., [0083], [0113], [0187], [0143], [0212]).

In regard to claim 24, claim 24 reflects a computer storage medium for performing the steps as claimed in claim 12, and is rejected along the same rationale.

As to claims 9, 20, 30, and 36, Cadiz teaches access to the sub-set of application features through a fly-out menu accessible through the tile / displayed in the tile (e.g., Fig. 7A).

Response to Arguments

5. Applicant's arguments filed on 04/22/09 have been considered but are not persuasive.

- Applicants remark that the prior art of Cadiz does not qualify as prior art under the various subsection of 35 U.S.C 102 except possibly 102(e) (e.g., see remark page 2, paragraph 6).

In response, the examiner respectfully disagrees and directs the applicants to 35 U.S.C 102(a), which states in part:

A person shall be entitled to a patent unless -

(a) the invention was known or used **by others** in this country, or patented or **described in a printed publication** in this or a foreign country, before the invention thereof by the applicant for a patent. (Emphasis added)

And also to MPEP 2132 section III states in part:

The term "others" in 35 U.S.C. 102(a) refers to any entity which is different from the inventive entity. **The entity need only differ by one person to be "by others**." This holds true for all types of references eligible as prior art under 35 U.S.C. 102(a) including publications as well as public knowledge and use. Any other interpretation of 35 U.S.C. 102(a) "would negate the one year [grace] period afforded under § 102(b)." In re Katz, 687 F.2d 450, 215 USPQ 14 (CCPA 1982). (Emphasis added)

In this case, the prior art of Cadiz has a publication date of 12/02/2002 which is before the instant application's effective filing date of 08/21/2003. In addition, the inventive entity of the prior art of Cadiz (e.g., J. Cadiz, A. Gupta, G. Jancke, G. Venolia) is different from the inventive entity of the instant application (e.g., D. Matthews, C. Cummins, J. Mann, J. Hally, M. Ligameri). Therefore, the Cadiz reference qualifies as prior art under both **102(e) and 102(a)**.

- Applicants remark that because the prior art of Cadiz and Applicant's instant application are commonly owned, therefore concludes that 35 U.S.C 103(c) preclude citing Cadiz reference against the present application (e.g., see remark page 3).

In response, the examiner respectfully disagrees and directs the applicants to 35 U.S.C 103(c)(1), which states in part:

> Subject matter developed by another person, which qualifies as prior art **only under** one or more of subsections **(e), (f), and (g) of section 102** of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. (Emphasis added)

As set forth above, the Cadiz reference qualifies as prior art under both **102(e) and 102(a)**, therefore, the Cadiz reference cannot be disqualified as prior art under 35 U.S.C 103(c) because under 103(c)(1), only subject matter which qualifies as prior art under 102(e), (f) and (g) is precluded.

- For at least these reasons, the claims remain rejected over the non-filed rejection mailed 01/22/09.

Conclusion

THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275,277 (CCPA 1968)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. T. T./

Examiner, Art Unit 2179

/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179